



**CONTRA COSTA
WATER DISTRICT**

1331 Concord Avenue
P.O. Box H20
Concord, CA 94524
(925) 688-8000 FAX (925) 688-8122

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Directors

Joseph L. Campbell
President

Elizabeth R. Anello
Vice President

Bette Boatman
John A. Burgh
Karl L. Wandry

Walter J. Bishop
General Manager

Honorable Phil Isenberg, Chair
Delta Vision Blue Ribbon Task Force
c/o California Bay-Delta Authority
650 Capitol Mall, 5th floor
Sacramento, CA 95814

RE: Third Staff Draft of the Delta Vision Strategic Plan

Dear Chair Isenberg:

Contra Costa Water District (CCWD) appreciates this opportunity to comment on the August 14, 2008 staff draft of the Delta Vision Strategic Plan. CCWD commends the Blue Ribbon Task Force on its Strategic Plan, and in particular we applaud the improvements that have been made since the July 11, 2008 draft of the Plan. CCWD has five major comments on the current draft, which are given below. We also have a number of additional comments, which are given in the attachment to this letter.

Immediate and Emergency Actions are necessary while the planning continues and implementation of the long-term solution begins. The urgent need for immediate actions in the Delta to address the ongoing crisis should be emphasized in the document. We were pleased to hear Mr. Kirlin state at the August 21, 2008 Task Force meeting that staff anticipates providing a separate section in the next draft of the Plan that highlights the immediate actions that are currently dispersed throughout the plan. We urge you to ensure that this section is given the prominence that it warrants. It should include the California Urban Water Agencies' list of immediate actions (provided to the Task Force in their August 4, 2008 letter) that address the most critical issues while providing needed information that will guide future decisions. These actions include barriers near Franks Tract to protect fisheries and improve water quality, preparation for emergency response, pilot fish screens at export facilities to protect fisheries, and ecosystem restoration projects.

The proposal on Governance needs fuller explanation. The concepts reflected in the draft Plan are vague and lack detail about this critical area for success. The Task Force should not complete the Strategic Plan without an expanded review of governance alternatives and should allow the public time to review recommendations. The Governance Plan must avoid adding bureaucracy without

authority, and it must include an explanation of how the State governance structure will interact with the federal agencies that play a significant role in the Delta.

CCWD's water quality must be protected. CCWD is an in-Delta diverter with intakes on Rock Slough off Old River and on Old River at Highway 4, and an additional intake under construction on Victoria Canal. The Victoria Canal intake will provide operational flexibility and access to better quality water in the fall than is available at CCWD's existing intakes. It will not "relocate the Old River intake" as stated on page 44 of the draft Plan since both the Rock Slough and Old River intakes will continue in use in a way that improves fishery protection and delivered water quality. Plan elements that would degrade Old or Middle River intake water quality must include provisions for mitigation of impacts; they do not do so in the current draft. The description of the Middle River Conveyance option on page 18 of the draft Plan, for example, states that Old River would be "managed for fish friendly water quality (which is often at odds with what is suitable for drinking water)". The text does not include acknowledgement that this could significantly affect CCWD's operations and that the effects must be minimized and mitigated. The description of Strategy 7 on page 49 includes the statement that, "in critically dry years ... new flow requirements should result in salinity intrusions to the Delta" in the fall; this is echoed on page 53, where one of the critical elements of Strategy 8 is described as an "adaptive management experiment to reduce Delta outflow in summer or fall of critically dry years" to discourage freshwater invasive species. Here again, the effect on water quality at CCWD's intakes must be considered and impacts mitigated. Furthermore, this action has the potential to violate the State standards and Federal law that requires salinity of no more than 250 milligrams per liter chlorides at CCWD's Rock Slough intake.

Increasing salinity intrusions into the Delta would not be effective in discouraging freshwater invasive species. The June 2007 CALFED workshop on a variable Delta showed that the notion of using salinity intrusion to control or discourage *Egeria* and *Corbicula* was not founded in science or in the practicalities. The salinity level required to do this (which is about one-third that of seawater) is more severe than that observed in the drought of the 1930's, before substantial upstream reservoir construction. It would cause a severe invasion of *Corbula*, which has a grazing capacity an order of magnitude greater than *Corbicula*. Attaining such salinity levels are generally impractical, given the length of time and low river flows required. Essentially, it would require net reverse flows not just on the lower San Joaquin River, but on the lower Sacramento River and negative outflow (i.e., inflow from San Francisco Bay) including net reverse flow in the Bay all the way to the Golden Gate. The habitat for Delta smelt would be compressed to small areas upstream for an extended time period and it would likely put both Delta smelt and salty water at the intake locations being considered for an isolated facility. Since the range of *Egeria* and *Corbicula* extends well upstream in the Delta, it would not be possible to eradicate them and they would re-establish in the downstream areas quickly. Suggestions that this would be done in critically dry years like 1977 would limit the action to every 50 years or so, even if it were practical. Until a practical scheme is proposed, this should be dropped.

The performance measures and critical elements of the strategies should not be more specific than warranted by current knowledge. There are a number of instances in the draft Plan where numerical goals that are not fully thought through are given. Although the Plan contains language regarding refining such numbers as more information becomes available, it is often the case that once such a goal is stated it takes on a life of its own and can drive implementation of less than optimal solutions. For example, the discussion on net positive flow at Jersey Point should focus on the goal, not the means, as follows:


“In order to improve larval survival, outmigration of San Joaquin River salmon smolts, and zooplankton production in the south and central delta while improving water quality take actions such as:

- 1) reconfigure channels so that water primarily flows along one migratory path, the distance traveled by planktonic organisms is minimized and the ability to use tidal transits to move downstream is maximized,
- 2) move or reduce diversions and discharges along that migratory corridor so that entrainment, water quality degradation and migratory cues are better suited to guiding and transporting live organisms
- 3) construct wetland areas where more productivity can occur and where migratory fish can spend the day feeding, and reduce local diversion of that river water
- 4) use exports and San Joaquin River flows strategically to improve the movement and migration of species.”

Similarly, prescriptions involving the number of acres of open water habitat in the 0.5 to 6 parts per thousand salinity zone or outflow in the fall should be rewritten to specify the goals with suggested, not prescribed means, since the means are still being explored in all these cases.

Thank you again for this opportunity to comment on the latest draft Strategic Plan.

Sincerely,



Gregory Gartrell
Assistant General Manager

GG:lso/kc

attachment

cc: Blue Ribbon Task Force Members
John Kirlin, Executive Director

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Additional CCWD Comments

ADDITIONAL COMMENTS

1. The draft Strategic Plan correctly puts emphasis on improving drinking water quality through source control, protection of the entire watershed, improved treatment of wastewater, and urban runoff. It should also emphasize best practices and pollutant (including salinity) reduction for agricultural discharges.
2. Temperature effects of an isolated facility should be considered. Shifting diversions upstream of the Delta will result in buildup of San Joaquin River water in the south and central Delta. Less Sacramento River water will be drawn to the southern Delta by the export pumps. The San Joaquin inflow is not only saltier but also warmer than the Sacramento River inflow so there will be an increase in south Delta temperatures. This could have disastrous effects on delta smelt in the south and central Delta. At times the San Joaquin inflow is warmer than 25 degrees Celsius, the level considered lethal for delta smelt.
3. On page 12 of the draft Plan it says “applications for new water diversions continue to mount without sufficient capacity to judge their collective impact on the co-equal values, and make decisions accordingly.” This is correct. CCWD has requested the SWRCB to require new applicants, through their water rights permits, to report their diversions on a publicly accessible website so that senior water rights holders can easily determine whether the new permittees are complying with the terms and conditions intended to protect other water rights holders. This idea should be incorporated in the Strategic Plan, both here and on page 37 under the bullet point regarding “accurate and timely information on all surface water diversions”.
4. There is language in Strategy 5 on page 43 about “relocating” CVP and SWP intakes to the Hood area. Use of the word “relocating” implies that existing intakes would be abandoned. This language should be changed to refer to an additional CVP and SWP intake in order to better reflect the recommendation of a dual conveyance system given on page 18 of the Plan.
5. The description of Strategy 7 on page 49 includes the statement that, “in critically dry years ... new flow requirements should result in salinity intrusions to the Delta” in the fall; this is echoed on page 53, where one of the critical elements of Strategy 8 is described as an “adaptive management experiment to reduce Delta outflow in summer or fall of critically dry years” to discourage freshwater invasives. In addition to the effect that these requirements could have on CCWD’s water quality, as discussed above, this will encourage spread of brackish water invasives like the Asian clam *corbula*. Once the salt is in the south and central Delta it will take a long time to flush it out again, especially if south Delta exports are reduced through use of an isolated facility
6. Language on page 50, regarding the spring outflow requirements under Strategy 7 is unclear. The draft Plan states that spring outflows “should provide a minimum of 10% increase of unimpaired runoff in most years, with the highest percentage increases in drier years. ... This allows greater water supply diversions during wet spring periods”. It is unclear what is meant by a “10% increase of unimpaired runoff in most years” or how such an increase would be accomplished. It is also unclear how an increase in

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outflow would allow greater diversions; in fact, a mandated increase in outflow has the potential to reduce diversions.

7. CCWD supports the critical element of Strategy 8 to reduce contaminant load discharge through “reduced water use, water reuse, and water recycling”. However, targets and recommendations must reflect the need to reduce greenhouse gases, energy consumption and water consumption. In addition, in those areas where wastewater is discharged to the watershed (so that the wastewater is already recycled), conservation combined with improved treatment of wastewater may be preferred to recycling.
8. The Delta Operations Team described on page 76 as “comprised of representatives from state and federal agencies” should also include stakeholder representatives to insure that all relevant interests are represented in achieving the coequal goals. The Delta Operations Team is based on the current Water Operations Management Team, but should instead be modeled on the Operations and Fish Forum or the Calfed Operations Group, which allow for input from stakeholders.
9. The cost estimates for an isolated facility on page 88 are too low. A canal that is repairable after a seismic or flood event is not likely to be achieved at the quoted 2007 estimate of 4.2 billion dollars. In addition, realistic costs associated with rights-of-way, including the costs for severance and drainage must be included. Finally, capital costs should be presented as “mid-point of construction” costs, the actual capital cost of the project and the amount of money that will be needed to finance the project, rather than in 2007 dollars.
10. Strategy 17 includes user fees as an element of the finance plan. Such a proposal should take into account that not all diversions have similar impacts. Consideration must be included for those agencies (such as CCWD) that have made significant investments in fish screens and other measures that protect the ecosystem, operate to minimize effects, and have complied with and hold valid permits under the California Endangered Species.